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United States Attorney

\*E-filed 12/20/06\*

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Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION  
12

13 UNITED STATES OF AMERICA,

No. 06-70677 PVT

14 Plaintiff,

15 v.

STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME

16 RYAN ALEXANDER and  
17 CHARLES ALEXANDER,

18 Defendant.  
19

SAN JOSE VENUE

20  
21 On December 14, 2006, the defendants in the above-captioned matter made an initial  
22 appearance on a complaint before the Court. After the defendants' were informed of the  
23 allegations in the criminal complaint, Assistant United States Attorney Susan Knight and  
24 Jonathan McDougall, who represents Charles Alexander and made a special appearance on  
25 behalf of Ryan Alexander, requested that the arraignment in the case be scheduled for January  
26 29, 2007, which is several days beyond the required arraignment date. In addition, Assistant  
27 United States Attorney Susan Knight explained to the Court that the government needed to  
28 provide discovery to defense counsel, and asked for an exclusion of time under the Speedy Trial

Act for effective preparation of counsel. Accordingly, the parties requested an exclusion of time under Rule 5 of the Federal Rules of Criminal Procedure and the Speedy Trial Act from December 14, 2006 to January 29, 2007. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel. The defendants', through Mr. McDougall, agreed to the exclusion.

SO STIPULATED:

KEVIN V. RYAN  
United States Attorney

DATED: \_\_\_\_\_

/s/  
SUSAN KNIGHT  
Assistant United States Attorney

DATED: \_\_\_\_\_

/s/  
JOSHUA M. BENTLEY  
Counsel for Ryan Alexander

DATED: \_\_\_\_\_

/s/  
JONATHAN D. MCDUGALL  
Counsel for Charles Alexander

Accordingly, the Court HEREBY ORDERS that the preliminary hearing or arraignment is scheduled for January 29, 2007 at 11:00 a.m. before the Honorable Judge Trumbull. Good cause is shown and the continuance is proper under Rule 5 of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3060.

For good cause shown, the Court FURTHER ORDERS that time be excluded under the Speedy Trial Act from December 14, 2006 until January 29, 2007. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendants in a speedy trial. The failure to grant the requested continuance would deny both defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made

1 under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

2 SO ORDERED.

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4 DATED: 12/20/06

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HOWARD R. LOYD  
United States Magistrate Judge